This case is unique as are most of the cases under this rapidly growing subject. The police power embraces the protection of the lives, health and property of the citizens, the maintenance of the good order and quiet of the community, and the preservation of the public morals. *Beer Co. v. Mass.*, 97 U. S. 25; *Thorpe v. R. Co.*, 27 Vt. 149. Of course it must be used as a police power and not as a pretext to avoid unconstitutionality. *R. Co. v. Hoboken*, 41 N. J. L. 71; *Mayor v. R. Co.*, 32 N. Y. 261. As to what does not lie in the police power, it is easier to distinguish the separate cases as they arise than to formulate a general rule. For example, a grant to registered pharmacists of the right to sell patent or proprietary medicines, without requiring them to make any inspection or examination of the same, but denying such right to other persons or firms, is unconstitutional. *Noel v. People*, 188 Ill. 587.

CORPORATIONS—MUNICIPAL—DEFECTIVE SIDEWALK—CONSTRUCTIVE NOTICE. —CITY OF OTTAWA v. HAYNE, 73 N. E. 384 (ILL.).—*Held*, that in an action against a city for injuries caused by an obstructed sidewalk, plaintiff may show by a watchman employed by private persons that the obstruction was observed by him, in order to prove constructive notice to the city.

The acts and declarations of private persons as to the unsafe condition of a sidewalk are admissible to show notoriety. *Chase v. Lowell*, 151 Mass. 422; *McGrail v. Kalamazoo*, 94 Mich. 52. But in *Hinckley v. Somerset*, 145 Mass. 326, it is held that a conversation between a person previously injured at the same place and others, not officers of the town, is inadmissible. In showing constructive notice of defect, the distance from the city hall may be proved. *Masten v. Troy*, 50 Hun 485. The fact that no repairs have been made on the walk for a long time is also competent evidence on this point. *Alberts v. Vernon*, 96 Mich. 549. It must appear, however, that the city had reason to anticipate the defect. *Stellwagen v. Winona*, 54 Minn. 460; *Lincoln v. Pirner*, 59 Neb. 634. A municipality may be charged with constructive notice even though the fact of the defect has not become notorious. *Pomfrey v. Saratoga Springs*, 104 N. Y. 459; *Anderson v. Albion*, 64 Neb. 280.

CORPORATIONS—MUNICIPAL—EXCAVATIONS OF STREETS—LATERAL SUPPORT. —DAMKOEHLER v. MILWAUKEE, 101 N. W. 706 (WIS.).—*Held*, that where a city negligently excavates a street so as to take away the lateral support of an adjoining lot, thereby causing the soil to fall in, it is liable to the owner of the lot for such injury.

It has been held that there is no liability on the part of a city for taking away lateral support so as to injure an abutting owner, for it is not a taking of private property for public use. *Rome v. Omberg*, 28 Ga. 46. Other cases hold that a city is liable to the same extent as an individual. *Stearnes v. Richmond*, 88 Va. 992; *Nichols v. Duluth*, 40 Minn. 389. The true rule seems to be that the city is not liable when it makes the excavations with ordinary skill and care. *Quincy v. Jones*, 76 Ill. 231; but is liable if it takes away the support negligently, thereby causing an injury to the adjoining owner, *Parke v. Seattle*, 5 Wash. 1; the test of the city's liability being the manner in which it does the work. *Wright v. Wilmington*, 92 N. C. 156.

CORPORATIONS—PRIVATE—AGREEMENT TO SUBSCRIBE FOR STOCK.—WOODS MOTOR VEHICLE CO. v. BRADY, 73 N. E. 674 (N. Y.).—The defendant subscribed to the stock of a corporation to be organized to "deal" in automobiles. A corporation was subsequently organized for the purpose of